



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Request that City Join Amicus Brief in the case of Howard Jarvis Taxpayers Association et al. v. City of San Diego, Fourth District Court of Appeal No. D0313448

**MEETING DATE:** October 7, 1998

**PREPARED BY:** City Attorney

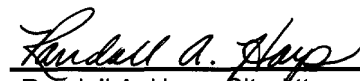
**RECOMMENDATION:** That the City join the amicus brief in the case of Howard Jarvis Taxpayers Association et al. v. City of San Diego, Fourth District Court of Appeal No. D0313448

**BACKGROUND:** *Amicus* briefs are filed in various actions which involve matters of wide ranging concern to provide information and additional argument to the court in order to assist the court in understanding all of the issues and arrive at a conclusion.

This case involves an important issue related to the City's ability to utilize the Parking and Business Improvement Area law of 1989 to establish business improvement areas as the City recently did for the Downtown and Cherokee Lane areas. In this case the City of San Diego is having the formation of a business improvement area challenged by the Howard Jarvis Taxpayers Association. The District that is being challenged was formed in 1997. The San Diego County Superior Court granted a summary judgment in favor of the City. The decision has been appealed to the Fourth Appellate District of the Court of Appeal. The Howard Jarvis Taxpayers Association is seeking to expand the scope of the provisions of Proposition 218 by this appeal. It is of common interest to all cities in having the Court of Appeal reject such an attempt.

**FUNDING:** Not applicable.

Respectfully submitted,

  
Randall A. Hays, City Attorney

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn -- City Manager